

DOCKET NO: 248090US6

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
SACHIO IIDA : EXAMINER:
SERIAL NO: 10/763,173 :
FILED: JANUARY 26, 2004 : GROUP ART UNIT: 2631
FOR: TRANSMISSION METHOD AND :
TRANSMITTER

REQUEST FOR WITHDRAWAL OF HOLDING OF ABANDONMENT

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

Responsive to the Notice of Abandonment dated January 14, 2005, Applicants herewith request withdrawal of said abandonment for the following reasons:

A Notice to File Missing Parts was mailed on April 28, 2004, with a shortened statutory period of 2 months, to expire on June 28, 2004.

Enclosed herewith is a copy of the date-stamped filing receipt evidencing filing of the Declaration on June 24, 2004. In order to expedite prosecution, Applicants' Attorney is submitting a signed, certified copy of the Filing of Declaration and Declaration.

It is believed that the above discussion and documents enclosed herewith clearly prove that a timely response to the Notice to File Missing Parts was filed and therefore, the holding of abandonment was issued in error.

Application No. 10/763,173

Reply to Office Action dated: January 14, 2005

Accordingly, it is requested the holding of abandonment be withdrawn and that prosecution be allowed to continue in the present application.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

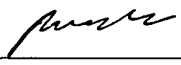
Customer Number

22850

Tel: (703) 413-3000

Fax: (703) 413 -2220

(OSMMN 06/04)



Bradley D. Lytle

Attorney of Record

Registration No. 40,073

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IPW



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/763,173	01/26/2004	Sachio Iida	248090US6

CONFIRMATION NO. 6704

ABANDONMENT/TERMINATION LETTER



OC000000014966277

22850
 OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
 1940 DUKE STREET
 ALEXANDRIA, VA 22314

Date Mailed: 01/14/2005

NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 04/28/2004.

- No reply was received.

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (703) 305-9282. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

*A copy of this notice **MUST** be returned with the reply.*

R134

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



Docket No.: 248090US6

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313



ATTORNEYS AT LAW

BRADLEY D. LYTLE
(703) 412-6489
BLYTLE@OBLON.COM

RE: Application Serial No.: 10/763,173
Applicants: Sachio IIDA
Filing Date: January 26, 2004
For: TRANSMISSION METHOD AND TRANSMITTER
Group Art Unit: 2631
Examiner:

SIR:


Attached hereto for filing are the following papers:

**Notice of Abandonment, Request for Withdrawal of Holding of Abandonment,
Copies of: Date-Stamped Filing Receipt stamped 6/24/04, Cover Letter, Notice to Filing Missing
Parts, Filing of Declaration, Combined Declaration, Petition & Power of Attorney**

Our check in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Bradley D. Lytle

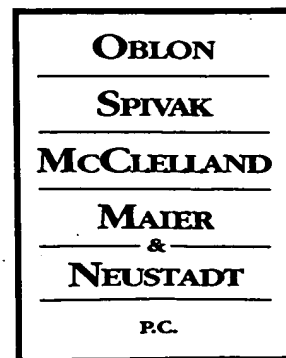
Registration No. 40,073

Customer Number

22850

(703) 413-3000 (phone)
(703) 413-2220 (fax)

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ATTN: APPLICATION BRANCH

**THIS IS A RESPONSE TO A
NOTICE TO FILE MISSING
PARTS OF AN APPLICATION**

ATTORNEYS AT LAW

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

Re: Inventor: Sachio IIDA
Serial No: 10/763,173
Filed: January 26, 2004
For: TRANSMISSION METHOD AND TRANSMITTER

SIR:

Attached hereto for filing are the following papers:

Notice to File Missing Parts
Filing of Declaration/Declaration

Our check in the amount of \$0.00 is attached covering any required fees. In the event that any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 CFR 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 CFR 1.136 for the necessary extension of time. A duplicate of this sheet is enclosed.

Respectfully Submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

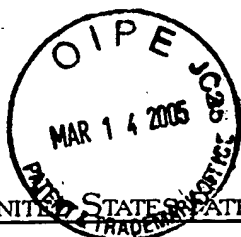
Bradley D. Lytle
Registration No. 40,073

Docket No. 248090US6

Customer Number
22850

Tel. (703) 413-3000
Fax. (703) 413-2220
(OSMMN 05/03)
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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/763,173	01/26/2004	Sachio Iida	248090US6

22850
 OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
 1940 DUKE STREET
 ALEXANDRIA, VA 22314

CONFIRMATION NO. 6704

FORMALITIES LETTER



OC000000012468826

Date Mailed: 04/28/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

Replies should be mailed to: Mail Stop Missing Parts
 Commissioner for Patents
 P.O. Box 1450
 Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*

M-HAILE
 Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

COPY

Docket No. 248090US6



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Sachio IIDA

SERIAL NUMBER: 10/763,173

ATTN: APPLICATION BRANCH

FILING DATE: January 26, 2004

FOR: TRANSMISSION METHOD AND TRANSMITTER

FILING OF DECLARATION UNDER 37 CFR 1.53(f)

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

Responsive to the notification dated April 28, 2004, and in accordance with the provisions of 37 CFR 1.53(f), Applicants submit herewith a Rule 63 Declaration.

The required fee was paid at the time of filing the application.

In light of the foregoing, this application is deemed to be in proper condition for examination and such favorable action is earnestly solicited.

Respectfully Submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Bradley D. Lytle

Registration No.: 40,073

Customer Number

22850

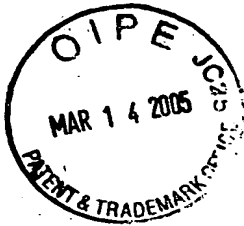
Tel. (703) 413-3000

Fax. (703) 413-2220

(OSMMN 05/03)

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COPY



Declaration and Power of Attorney For Patent Application

特許出願宣言書及び委任状

Japanese Language Declaration

日本語宣言書

下記の氏名の発明者として、私は以下の通り宣言します。

私の住所、郵便の宛先、国籍は下記の私の氏名の後に記載された通りです。

下記の名称の発明に関して請求範囲に記載され、特許出願している発明内容について、私が最初かつ唯一の発明者（下記の氏名が一つの場合）もしくは最初かつ共同発明者（下記の名称が複数の場合）であると信じています。

上記発明の明細書は、

☐ 本書に添付されています。

☐ 月 日に提出され、米国出願番号または特

許協定条約国際出願番号を

とし、

(該当する場合) に訂正されました。

私は、特許請求範囲を含む上記訂正後の明細書を検討し、内容を理解していることをここに表明します。

私は、連邦規則法典第37編第1条56項に定義されるとおり、特許資格の有無について重要な情報を開示する義務があることを認めます。

As a below named inventor, I hereby declare that:

My residence, mailing address and citizenship are as stated next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled.

TRANSMISSION METHOD AND TRANSMITTER

the specification of which

☐ is attached hereto.

☒ was filed on January 26, 2004

as United States Application Number or PCT International Application Number

10/763,173 and was amended on

(if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56.

Japanese Language Declaration (日本語宣言書)

私は、米国法典第35編119条(a) - (d)項又は365条 (b) 項に基づき下記の、米国以外の国の少なくとも一カ国を指定している特許協力条約365(a)項に基づく国際出願、又は外国での特許出願もしくは発明者証の出願についての外国優先権をここに主張するとともに、優先権を主張している、本出願の前に出願された特許または発明者証の外国出願を以下に、枠内をマークすることで、示しています。

Prior Foreign Application(s)
外国での先行出願

2003-026460 (Number) (番号)	JAPAN (Country) (国名)
_____ (Number) (番号)	_____ (Country) (国名)

私は、第35編米国法典119条 (e) 項に基づいて下記の米国特許出願規定に記載された権利をここに主張いたします。

_____ (Application No.) (出願番号)	_____ (Filing Date) (出願日)
--------------------------------------	---------------------------------

私は、下記の米国法典第35編120条に基づいて下記の米国特許出願に記載された権利、又は米国を指定している特許協力条約365条 (c) に基づく権利をここに主張します。また、本出願の各請求範囲の内容が米国法典第35編112条第1項又は特許協力条約で規定された方法で先行する米国特許出願に開示されていない限り、その先行米国出願書提出日以降で本出願書の日本国内または特許協力条約国際提出日までの期間中に入手された、連邦規則法典第37編1条56項で定義された特許資格の有無に関する重要な情報について開示義務があることを認識しています。

_____ (Application No.) (出願番号)	_____ (Filing Date) (出願日)
_____ (Application No.) (出願番号)	_____ (Filing Date) (出願日)

I hereby claim foreign priority under Title 35, United States Code, §119 (a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or §365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed.

Priority Claimed
優先権主張

3/ February/ 2003 (Day/Month/Year Filed) (出願年月日)	<input checked="" type="checkbox"/> Yes はい	<input type="checkbox"/> No いいえ
_____ (Day/Month/Year Filed) (出願年月日)	<input type="checkbox"/> Yes はい	<input type="checkbox"/> No いいえ

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below.

_____ (Application No.) (出願番号)	_____ (Filing Date) (出願日)
--------------------------------------	---------------------------------

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s), or §365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.

_____ (Status: Patented, Pending, Abandoned) (現況: 特許許可済、係属中、放棄済)
_____ (Status: Patented, Pending, Abandoned) (現況: 特許許可済、係属中、放棄済)

Japanese Language Declaration (日本語宣言書)

私は、私自身の知識に基づいて本宣言書中で私が行なう表明が真実であり、かつ私の入手した情報と私の信じることに基づく表明が全て真実であると信じていること、さらに故意になされた虚偽の表明及びそれと同等の行為は米国法典第18編第1001条に基づき、罰金または拘禁、もしくはその両方により処罰されること、そしてそのような故意による虚偽の声明を行なえば、出願した、又は既に許可された特許の有効性が失われることを認識し、よってここに上記のごとく宣誓を致します。

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

委任状：私は下記の発明者として、本出願に関する一切の手続きを米特許商標局に対して遂行する弁理士または代理人として、下記の者を指名いたします。
(弁護士、または代理人の指名及び登録番号を明記のこと)

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith: (list name and registration number)

Customer Number

22850

書類送付先

Send Correspondence to:

Customer Number

22850

直接電話連絡先：(名前及び電話番号)

Direct Telephone calls to: (name and telephone number)

(703) 413-3000

単独発明者または第 1 の共同発明者の氏名	Full name of sole or first inventor Sachio IIDA
発明者の署名 日付	Inventor's signature Date <i>Sachio Iida</i> <i>May 20th, 2004</i>
住所	Residence Chiba, JAPAN
国籍	Citizenship JAPAN
郵便の宛先	Mailing Address c/o SONY CORPORATION 7-35, Kitashinagawa 6-chome, Shinagawa-ku, Tokyo 141-0001, JAPAN



Dept.: E/M

By: BDL/cav/

OSMM&N File No. 248090US6

✓ Serial No. 10/763,173

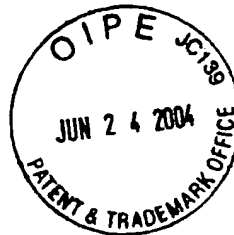
In the matter of the Application of: Sachio IIDA

For: TRANSMISSION METHOD AND TRANSMITTER

Due Date: June 28, 2004

The following has been received in the U.S. Patent Office on the date stamped hereon:

- Combined Declaration, Petition & Power of Attorney 3 Pages.
- Dep. Acct. Order Form
- Cover Letter.
- Filing of Declaration.
- Notice to File Missing Parts.



COPY